

Message Text

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SUBJECT: TRANSCRIPT OF REVIEW PROCEDURES FOR JUNE 28
INDUSTRY ADVISORY BOARD.

PROCEDURES FOR REVIEW OF CERTAIN INFORMATION OBTAINED FROM
ADVISORY BODIES CREATED TO IMPLEMENT THE INTERNATIONAL
ENERGY PROGRAM

BACKGROUND

BY EXECUTIVE ORDER 11932 OF THE PRESIDENT AND REGULATIONS
OF THE DEPARTMENT OF STATE (22 C.F.R. SEC. 9A 1-9A 8),
CERTAIN INFORMATION AND MATERIALS, INCLUDING TRANSCRIPTS
OF MEETINGS OF ADVISORY BODIES CREATED TO IMPLEMENT THE
INTERNATIONAL ENERGY PROGRAM, MAY BE CLASSIFIED BY THE
DEPARTMENT OF STATE AND GIVEN SPECIAL HANDLING . UNDER
THESE REGULATIONS, INDIVIDUALS MAY REVIEW ANY TRANSCRIPT
OF SUCH A MEETING IN WHICH THEY PARTICIPATED. IN ADDITION,
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22 C.F.R. SEC. 9A 7 OF THE REGULATIONS PERMITS REVIEW OF
CONFIDENTIAL TRANSCRIPTS BY EMPLOYEES OR COUHNSEL OF COMPAN-
IES WHOSE REPRESENTATIVES PARTICIPATE IN THE MEETINGS,
PROVIDED THAT THE DEPARTMENT OF STATE DETERMINES THAT
SUCH EMPLOYEES OR COUNSEL ARE TRUSTWORTHY AND HAVE A NEED

FOR SUCH ACCESS. FURTHERMORE, SECTION 9A 7 PERMITS THOSE

AUTHORIZED ACCESS TO TRANSCRIPTS TO HAVE CUSTODY OF COPIES OF CONFIDENTIAL TRANSCRIPTS, FOR REASONABLE PERIODS OF TIME, PROVIDED THAT SUCH TRANSCRIPTS WILL NOT BE REPRODUCED AND THE DEPARTMENT OF STATE DETERMINES THEY WILL BE PROTECTED FROM UNAUTHORIZED DISCLOSURE BY ADEQUATE SECURITY SAFEGUARDS. THE FOLLOWING PROCEDURES PROVIDE GUIDANCE FOR COMPANIES WHOSE REPRESENTATIVES PARTICIPATE IN MEETINGS OF ADVISORY BODIES WHO WISH TO REVIEW TRANSCRIPTS OF SUCH MEETINGS IN ACCORDANCE WITH EXECUTIVE ORDER 11932 AND 22 C.F.R. 9A. EXCLUDED FROM THESE PROCEDURES ARE TRANSCRIPTS OF ISAG SESSIONS WHICH FORM PART OF THE RECORD OF TESTS OF THE OIL ALLOCATION SYSTEM OF THE INTERNATIONAL ENERGY AGENCY (IEA) OR WHICH FORM PART OF THE RECORD OF ISAG SESSIONS DURING AN ACTUAL EMERGENCY.

DEFINITIONS: FOR PURPOSES OF THESE PROCEDURES:

1. "REPORTING COMPANIES" SHALL MEAN COMPANIES WHOSE EMPLOYEES OR COUNSEL PARTICIPATE IN MEETINGS OF ADVISORY BODIES CREATED TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM.
2. "PARTICIPANTS" SHALL MEAN INDIVIDUALS ATTENDING MEETINGS OF SUCH ADVISORY BODIES.
3. "AUTHORIZED REVIEWERS" SHALL MEAN THOSE AUTHORIZED BY UNCLASSIFIED

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THE DEPARTMENT OF STATE TO HAVE ACCESS TO CLASSIFIED TRANSCRIPTS OF MEETINGS.

PRE-REVIEW

EACH PARTICIPANT IN A MEETING SHALL BE AN AUTHORIZED REVIEWER OF THE TRANSCRIPT OF SUCH MEETING. EACH REPORTING COMPANY WISHING TO HAVE NON-PARTICIPANT EMPLOYEES OR LEGAL COUNSEL DESIGNATED AS AUTHORIZED REVIEWERS SHALL SUBMIT DIRECTLY TO THE DEPARTMENT OF STATE IN THE CASE OF U.S. COMPANIES AND VIA U.S. EMBASSIES IN THE CASE OF NON-U.S. COMPANIES, THE NAMES OF THOSE NON-PARTICIPANT INDIVIDUALS THE COMPANY WISHES TO BE SO DESIGNATED. THE COMPANY REQUEST SHOULD INCLUDE THE FOLLOWING INFORMATION ON THE PERSONS SO PROPOSED: NAME, DATE AND PLACE OF BIRTH, NATIONALITY, POSITION WITH COMPANY. THE NUMBER OF PERSONS PROPOSED BY EACH COMPANY TO BE AUTHORIZED REVIEWERS SHOULD BE KEPT TO A MINIMUM AND LIMITED TO THOSE PERSONS WITH A NEED FOR ACCESS TO TRANSCRIPTS IN CONNECTION WITH THE PERFORMANCE OF DUTIES IN FURTHERANCE OF THE PURPOSES

OF THE IEA. UPON REVIEW OF THOSE PROPOSED FOR DESIGNATION,

THE DEPARTMENT OF STATE WILL INFORM EACH COMPANY OF THOSE INDIVIDUALS PROPOSED BY THE COMPANY WHO, IN ADDITION TO PARTICIPANTS, ARE AUTHORIZED REVIEWERS.

DESIGNATION OF CONTACT PERSON

EACH REPORTING COMPANY SHOULD DESIGNATE A CONTACT PERSON AND AN ALTERNATE CONTACT PERSON, BOTH OF WHOM SHOULD BE AUTHORIZED REVIEWERS. CONTACT PERSONS (OR THEIR ALTERNATES) WILL BE NOTIFIED BY U.S. EMBASSIES, IN THE CASE OF NON-U.S. REPORTING COMPANIES, OR DEPARTMENT OF ENERGY (DOE) REGIONAL OFFICES, IN THE CASE OF U.S. REPORTING COMPANIES, WHEN TRANSCRIPTS ARE AVAILABLE TO AUTHORIZED REVIEWERS. CONTACT PERSONS WILL THEN BE RESPONSIBLE FOR INFORMING

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AUTHORIZED REVIEWERS OF THE TRANSCRIPTS' AVAILABILITY AND THE TIME ALLOTTED FOR REVIEW.

WAIVER OF RIGHT TO REVIEW

THOSE NON-U.S. REPORTING COMPANIES HAVING NO DESIRE TO REVIEW A PARTICULAR TRANSCRIPT SHOULD SO NOTIFY THE DEPARTMENT OF STATE THROUGH THE LOCAL U.S. EMBASSY. SIMILARLY, U.S. REPORTING COMPANIES SHOULD NOTIFY DOE'S OFFICE OF INTERNATIONAL AFFAIRS (DOE/IA) DIRECTLY.

INITIAL REVIEW

1. REVIEW WILL BE ACCOMPLISHED BY MAKING COPIES OF TRANSCRIPTS AVAILABLE TO AUTHORIZED REVIEWERS AT U.S. EMBASSIES, DOE REGIONAL OFFICES AND AT THE DOE/IA WASHINGTON OFFICE.

2. IF REVIEW ON U.S. GOVERNMENT PREMISES IS IMPRACTICAL, AUTHORIZED REVIEWERS MAY TAKE CUSTODY OF TRANSCRIPTS CLASSIFIED NO HIGHER THAN CONFIDENTIAL, SUBJECT TO THE FOLLOWING CONDITIONS:

A. TRANSCRIPTS MAY ONLY BE TRANSPORTED BY AUTHORIZED REVIEWERS OR U.S. GOVERNMENT PERSONNEL;

B. TRANSCRIPTS MAY NOT BE REPRODUCED WITHOUT WRITTEN CONSENT OF THE DEPARTMENT OF STATE AND MUST BE RETURNED TO THE U.S. GOVERNMENT WITHIN THE TIME ALLOTTED FOR REVIEW;

C. U.S. GOVERNMENT OFFICIALS WILL CONFIRM THAT THE FACILITIES FOR SAFEGUARDING TRANSCRIPTS ARE ADEQUATE;

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D. REPORTING COMPANIES AND AUTHORIZED REVIEWERS MUST IN ALL RESPECTS AGREE TO SAFEGUARD INFORMATION FROM DISCLOSURE OTHER THAN TO AUTHORIZED REVIEWERS AND TO EMPLOY PROCEDURES AT LEAST EQUIVALENT TO THOSE APPLIED TO PROTECT PROPRIETARY INFORMATION FROM COMPROMISE.

3. TRANSCRIPTS WILL BE AVAILABLE FOR REVIEW FOR THIRTY WORKING DAYS AFTER THE DATE OF NOTIFICATION OF CONTACT PERSONS. IF AUTHORIZED REVIEWERS ARE UNABLE TO COMPLETE REVIEW WITHIN THE ALLOTTED TIME FOR REASONS OF TRAVEL, VACATION, ETC., THE COMPANY CONTACT PERSON SHALL NOTIFY THE EMBASSY OR DOE REGIONAL OFFICE AS SOON AS POSSIBLE AND IN NO CASE LATER THAN THE CLOSING DATE OF THE SPECIFIED REVIEW PERIOD; FAILURE TO DO SO WILL BE CONSTRUED AS A WAIVER OF REVIEW.

4. U.S. EMBASSIES AND DOE REGIONAL OFFICES MAY GRANT REVIEW EXTENSIONS OF NO MORE THAN FIVE WORKING DAYS; REQUESTS FOR LONGER EXTENSIONS MUST BE REFERRED THROUGH EMBASSIES OR DOE REGIONAL OFFICES TO THE DEPARTMENT OF STATE IN THE CASE OF NON-U.S. COMPANIES, AND DOE/IA IN THE CASE OF U.S. COMPANIES.

5. ONLY AUTHORIZED REVIEWERS WHO ATTENDED THE MEETING FOR WHICH THE TRANSCRIPT WAS TAKEN MAY SUBMIT PROPOSED REVISIONS TO THE TRANSCRIPT. SUCH PROPOSED CHANGES, KEYED TO THE TEXT OF THE TRANSCRIPT BY PAGE AND LINE, MUST BE SIGNED BY SUCH PERSON(S) AND SUBMITTED TO THE EMBASSIES OR DOE REGIONAL OFFICES WITHIN THE PERIOD ALLOWED FOR REVIEW.

6. UPON COMPLETION OF INITIAL REVIEW, THE EMBASSY SHALL TRANSMIT THE PROPOSED REVISIONS TO THE DEPARTMENT OF STATE FOR FORWARDING TO DOE/IA. THE DOE REGIONAL OFFICES WILL TRANSMIT PROPOSED REVISIONS DIRECTLY TO DOE/IA.

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7. IN THE EXCEPTIONAL CASE THAT A TRANSCRIPT CONTAINS MATERIAL CLASSIFIED HIGHER THAN "CONFIDENTIAL", REVIEW SHALL BE RESTRICTED TO AUTHORIZED REVIEWERS WHO ATTENDED THE MEETING FOR WHICH THE TRANSCRIPT WAS TAKEN. ANY SUCH TRANSCRIPT MUST BE REVIEWED IN THE PRESENCE OF A U.S. GOVERNMENT OFFICIAL, AND MAY NOT BE LEFT IN THE CUSTODY OF THE REVIEWER OR TAKEN FROM U.S. GOVERNMENT PREMISES.

SECOND REVIEW

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1. FOLLOWING RECEIPT OF ALL PROPOSED REVISIONS, THE U.S. GOVERNMENT REPRESENTATIVE WHO ATTENDED THE MEETING IN WHICH THE TRANSCRIPT WAS TAKEN SHOULD REVIEW PROPOSED REVISIONS TO DETERMINE THEIR ACCURACY.
2. THIS LIST OF PROPOSED REVISIONS AND THEIR STATUS (ACCEPTED, REJECT, ETC.) WILL BE TRANSMITTED TO THE EMBASSIES AND THE DOE REGIONAL OFFICES, WHO SHALL IN TURN MAKE IT AVAILABLE VIA COMPANY CONTACT PERSONS TO AUTHORIZED REVIEWERS FOR FINAL REVIEW.
3. AUTHORIZED REVIEWERS WISHING TO REFER TO THE RELEVANT TRANSCRIPT TEXT WHILE REVIEWING U.S. GOVERNMENT DETERMINATIONS MUST DO SO WITHIN 30 WORKING DAYS; FAILURE OF AUTHORIZED REVIEWERS TO RESPOND DURING THIS PERIOD SHALL BE CONSTRUED AS WAIVING THE RIGHT TO REVIEW.
4. THOSE AUTHORIZED REVIEWERS WHO ATTENDED THE MEETINGS FOR WHICH THE TRANSCRIPT WAS TAKEN BUT WHO ARE DISSATISFIED WITH THE U.S. GOVERNMENT DETERMINATIONS MAY SUBMIT EXPLANATIONS OR FURTHER PROPOSED CHANGES IN WRITING, WHICH SHALL BE FORWARDED TO THE DEPARTMENT OF STATE AND DOE/IA VIA THE EMBASSIES AND DOE REGIONAL OFFICES RESPECTIVELY. THESE UNCLASSIFIED

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EXPLANATIONS OR CHANGES WILL THEN BE APPENDED TO THE FINAL TRANSCRIPT.

5. ANY COMMENTS OR PROPOSED OR FINAL REVISIONS CONCERNING CLASSIFIED MATERIAL IN TRANSCRIPTS SHALL BE SUBJECT TO THE SAME REQUIREMENTS FOR SECURITY OF HANDLING AND STORAGE AND THE SAME LIMITATIONS OF ACCESS AS THE ORIGINAL TRANSCRIPT.
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